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*Counsel for Class Representative
Michael Devine*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION**

Master Docket No. 11-CV-2509-LHK

THIS DOCUMENT RELATES TO:

DECLARATION OF MICHAEL DEVINE

Judge: Hon. Lucy H. Koh

ALL ACTIONS

DECLARATION OF MICHAEL DEVINE
Master Docket No. 11-CV-2509-L HK

1 I, Michael Devine, declare as follows:

2 1. I am a class representative in this case. I have personal knowledge of the facts set forth
3 herein and could competently testify to them if called as a witness.

4 2. In mid-2014, I opposed a \$324.5 million settlement and retained Girard Gibbs LLP to
5 present my position to the Court.

6 3. After the \$324.5 million settlement was rejected by order of this Court dated August 8,
7 2014, I participated through my counsel in further discussions with Class Counsel and Defendants aimed
8 at resolving this case.

9 4. My counsel assisted me in reviewing and assessing the record, and evaluating the costs
10 and benefits of settlement as compared to continued litigation.

11 5. Having participated in the proceedings and negotiations which followed the Court's
12 August 8 ruling, I believe the Court should preliminarily approve the proposed \$415 million settlement
13 and Class members should have the opportunity to exercise their rights in regards to the proposed
14 settlement under Rule 23. I respectfully join in Class Counsel's motion for preliminary approval.

15 6. I have asked my counsel to apply on my behalf for a service award of up to \$160,000. I
16 believe this amount is justified by my service as a class representative and my work to oppose the
17 original settlement and secure an additional \$90.5 million for the Class. Further, I believe that by
18 opposing the original settlement I am at a heightened risk of suffering adverse consequences to my job
19 prospects.

20 7. I intend to submit to the Court a detailed explanation of the work I have done to benefit
21 the Class, how my work has benefitted the Class, and why my employment prospects have been
22 adversely affected by my service as a class representative. My submission will be made in advance of
23 the final approval hearing in accordance with the schedule ordered by the Court.

1 I declare under penalty of perjury under the laws of California the foregoing is true and correct.
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3 Executed on January 16, 2015 in Santa Clara, California.

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Michael Devine

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2015, I caused the foregoing document to be filed electronically with the Clerk of Court through CM/ECF and that the filing was served by CM/ECF on all counsel of record.

/s/ Daniel C. Girard

Daniel C. Girard